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Public Hearing Comments: Open Space Council

Standards and Criteria for State Resource Areas (SRAs)

October 20, 2015

Generally, I found the Open Space Council's **Standards and Criteria for State Resource Areas (SRAs)** consistent with the current Delaware Land Protection Act's (DLPA) expressed purpose. To the specific standards and criteria let me offer the following comments:

- Property that contains endangered, threatened, or ecologically significant species, Species of Greatest Conservation Need (SGCN) as defined in the Delaware Wildlife Action Plan, or natural ecosystems;

Comment: This criterion is clear in that it provides a source document, the Delaware Wildlife Action Plan that can be consulted that provides rationale for and definition of Species of greatest conservation need (SGCN). Regarding the phrase, *or natural ecosystem* – My question is as defined by what source? Is a degraded wetland considered a natural ecosystem and eligible for protection under this criterion?

- Property that is important because of its historical or cultural value or its proximity to an historically significant area;

Comment: Is there a statewide historical and cultural preservation planning document that could be reference here?

- Property that includes or enhances important wildlife habitat or migration corridors, as well as potential wildlife habitat or migration corridors;

Comment: Again, same comment as above. For example if the emphasis of this criterion is on bird conservation and protection of migration corridors might it be appropriate to reference: The North American Waterfowl Management Plan; North American Bird Conservation Initiative; United States Shorebird Conservation Plan; North American Waterbird Conservation Plan; Audubon's Birds and Climate Change Report.

- Property with forest resources that are significant;

Comment: I recommend adding—***as identified by DDA Forest Service with priority given to those properties in designated Forest Legacy Program areas.***

- Property with wetlands, flood plains, or other lands necessary for the protection of water resources;
- Property that contains significant or unique ecosystems, natural features, or geological features;

Comment: Both of the above would benefit from being linked to an appropriate and existing statewide, regional, federal or ENGO conservation planning document.

- Property which is an inholding or contiguous to or nearby lands already preserved by federal, state, local, or other conservation agencies;

Comment: It would be helpful to define what ***nearby lands already preserved*** means, within one quarter mile?

- Property that will provide public outdoor recreation;

Comment: This criterion could benefit by referencing a statewide source document that has prioritized need.

- Property that will allow natural systems or plants and animals to accommodate or adapt to climate change or other large-scale changes in ecosystem processes;

Comment: Same as above.

Recommendation for an Additional Criterion: **Property that provides conservation easement opportunities for private landowners where those lands have DDA Forest Service Forest Management Plans in place and for those private properties where landowners are voluntarily engaged in habitat management consistent with the Delaware Wildlife Action Plan.**

In closing let me observe that I appreciate the effort of the Open Space Council in fulfilling its obligation under the existing Delaware Land Protection Act in the development of these criteria. It is currently difficult to see how DNREC will apply these criteria given the rewrite of the DLPA. History has shown that DNREC has taken considerable latitude in how it complies and implements the DLPA. Therefore, I feel it important that the Open Space Council be more instructive in clarifying by example with a reference document(s) what is intended by each of the criteria listed above.

Equally as challenging is the fact that DNREC is currently involved in a process to rewrite the DLPA. Herein lays the challenge ahead and the need for the Open Space Council to insist DNREC to openly communicate with the various affected publics its intentions in the rewrite and revisions to the DLPA.

